

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

KARLA K. ALLSBERRY and LORI RUSSELL,)
)
Plaintiffs,)
)
v.) Case No. 4:19-cv-02366
)
JUDGE PATRICK S. FLYNN, In his)
Individual Capacity, KATHY HALL, In her)
Individual Capacity, DIANNE DOLL, In her)
Individual Capacity, SHERIFF JOHN)
COTTLE, In his Individual Capacity,)
DEPUTY SHERIFF RYAN PARKER, In his)
Individual Capacity, DEPUTY SHERIFF/)
BAILIFF JULIE CONNOR, In her Individual)
Capacity and DEPUTY SHERIFF/BAILIFF)
ANTONIO PINEIRO, In his Individual)
Capacity,)
)
Defendants.)

**PLAINTIFFS' REPORT ON THE STATUS
OF THE PENDING STATE COURT LITIGATION**

COME NOW Plaintiffs, Karla K. Allsberry and Lori Russell, pursuant to a previous Order of this Court, and report the status of the pending State Court litigation as follows:

1. The Declaratory Judgment action, *Karla Allsberry v. Judge Patrick S. Flynn*, Lincoln County Case Number 20L6-CC00031, is scheduled for a bench trial on September 22, 2020 at the Lincoln County Courthouse. Motions for Summary Judgment, filed by both parties, are also pending.
2. In a related matter, on August 19, 2020, Karla Allsberry filed a Petition for Writs of Prohibition and Mandamus against Judge Flynn, in the Missouri Court of Appeals in the Eastern District, Appeal Number ED109113.

3. The Petition for Writs of Prohibition and Mandamus requested an Order prohibiting Judge Flynn from (a) making a decision to appoint a special prosecutor and (b) in the event of an affirmative decision on the appointment of a special prosecutor, making the selection of the special prosecutor.

4. On August 20, 2020, Karla learned, through documents attached to Judge Flynn's Response to her Motion for Summary Judgment, that Judge Flynn had issued an order on July 14, 2020 appointing Tim Lohmar as a Special Prosecutor. There was no case number attached to the Order.

5. The Petition for Writs of Prohibition and Mandamus alleges that Judge Flynn had a pronounced conflict of interest prohibiting him from making a decision to appoint a special prosecutor, and from selecting any special prosecutor. The Writ of Mandamus requested that any previous Order appointing a special prosecutor be vacated because of the conflict of interest.

6. On August 21, 2020, the Court of Appeals issued an Order directing Judge Flynn to respond to the Petition for Writs of Prohibition and Mandamus by September 3, 2020.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was filed electronically with the Clerk this 31st day of August, 2020, the Clerk's office electronically served a copy upon counsel of record, and a copy was sent via email to all counsel listed below:

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